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IRVING MALCHMAN, OF COUNSEL

**VIA E-FILING**

September 30, 2004

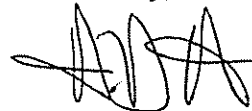
Clerk of the Court  
United States District Court for the District of Massachusetts  
Suite 2300  
John Joseph Moakley U.S. Courthouse  
One Courthouse Way  
Boston, Massachusetts 02210

Re: *County of Suffolk v. Abbott Laboratories, Inc., et al.*  
(MDL. 1456)(E.D.N.Y. Case No. CV-030229)  
No. 01-CV-12257-PBS

Dear Sir or Madam:

Per this Court's Order entered June 17, 2004 enclosed for filing in the above-captioned matter please find the status report for Suffolk County.

Sincerely,



Aaron Hovan

Enclosures  
cc: All Parties

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

IN RE PHARMACEUTICAL INDUSTRY  
AVERAGE WHOLESALE PRICE  
LITIGATION

THIS DOCUMENT RELATES TO:

*County of Suffolk v. Abbott Laboratories, Inc., et al.*,  
E.D.N.Y. Case No. CV-03-229

MDL. NO. 1456

Civil Action No. 01-CV-12257- PBS

Judge Patti Saris

**SUFFOLK COUNTY'S STATUS REPORT**

The undersigned counsel for Suffolk County hereby submits the attached status report to the Court in accordance with the Court's June 17<sup>th</sup> Procedural Order.

Date: September 30, 2004  
New York, New York

KIRBY McINERNEY & SQUIRE, LLP

By: /s/ Joanne M. Cicala  
Joanne M. Cicala  
Aaron D. Hovan

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COUNSEL FOR THE COUNTY OF SUFFOLK

**MDL 1456 Status Report**

**County of Suffolk v. Abbott Laboratories, Inc., et al. 03cv10643-PBS, E.D.N.Y.**

- **Motion to Dismiss *sub judice***
  - Hearing on December 13, 2004
  - Amicus brief in opposition to defendants' motion to dismiss rebate claims on grounds of preemption filed by Secretary of Health and Human Services ("HHS") on March 18, 2004.
  - Defendants' response to HHS Amicus Brief filed April 9, 2004.
  - HHS Amicus Reply filed April 23, 2004.
  - Defendants' notice of supplemental authority filed June 14, 2004.
  - Suffolk County's response to defendants' notice of supplemental authority filed June 18, 2004
  
- **Motion respecting coordinated discovery**
  - Suffolk County's motion respecting coordinated discovery and the role of liaison counsel filed April 27, 2004.
  - Response of liaison counsel to Suffolk County's motion filed May 11, 2004.
  - Suffolk County's reply filed May 24, 2004.
  - Plaintiff and Liaison counsels' Motion to file a sur-reply in opposition to Suffolk's reply and accompanying Surreply memorandum filed May 26, 2004.
  - Memorandum of Bristol-Myers Squibb Company in response to the motion of County of Suffolk addressing the role of liaison counsel for all plaintiffs, filed May 28, 2004.
  - Response of Liaison Counsel to Bristol-Myers Squibb Memorandum addressing the role of liaison counsel filed May 28, 2004.

**Certificate of Service**

I certify that on September 30, 2004 a true and correct copy of the foregoing September 30, 2004 Status Report was served on all Counsel of Record by electronic service pursuant to Case Management Order No. 2 by sending a copy to Verilaw Technologies for posting and notification to all parties.

/s/ Aaron D. Hovan

Aaron D. Hovan